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Lynne Finley
District Clerk
Collin County, Texas
By Tatiana Ortega Deputy
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**NO. 417-53803-2020**

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| **IN THE INTEREST OF** | § | **IN THE DISTRICT COURT** |
| | § | |
| | § | **417 JUDICIAL DISTRICT** |
| | § | |
| **CHILDREN** | § | **COLLIN COUNTY, TEXAS** |

**RESPONSE TO PETITIONER'S EMERGENCY MOTION TO DENY PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST FOR SANCTIONS**

This Response and Motion to Deny Petitioner's Emergency Motion to Deny Petition for Writ of Habeas Corpus and Request for Sanctions is brought by Respondent, KELLY LONG who would respectfully show as follows:

**1. The Writ of Habeas is Based on a Valid Order**

As stated in KELLY's First Amended Petition for Writ of Habeas Corpus, either the September 7, 2020 Order of the Court is valid, in which case the 2 younger boys were ordered to be returned to KELLY by 6:00 p.m. on Monday, September 7, 2020, or the prior order of the court dealing with possession dated July 9, 2020 would be the proper order for the Court to enforce, in which case all 3 of the children were ordered to be returned to KELLY by 6:00 p.m. on Monday, September 7, 2020. In either case, MICHAEL failed and refused to comply with the court's order.

**2. The Writ should be granted**

The Texas Supreme Court has held that

> the writ should be granted when the relator shows that he or she is entitled to custody of the child by virtue of a valid and subsisting court order. The right to possession may not be relitigated in the habeas corpus hearing; the relator is entitled to an issuance of the writ immediately on a showing of his or her right to custody.

554 S.W.2d 935, 938 (Tex. 1977). As stated above, whether the Court enforces the September 7,

2020 Order or the previous July 9, 2020 Order, either 2 or 3 of the children were ordered to be returned to KELLY by 6:00 p.m. on Monday, September 7, 2020. None of them were. Therefore, the Writ should be granted.

3. **KELLY's counsel complied with the Local Rules**

A. Counsel complied with Local Rule 2.4(b).

First, MICHAEL complains that KELLY's counsel failed to follow Collin County Local Rule 2.4(a) which requires at least two (2) hours advanced notice to the opposing counsel or party before presenting a request for an ex parte order (such as a Writ of Habeas). However, Collin County Local Rule **2.4(b)** provides an exception when a Petition includes a verified certificate of a party that irreparable harm is likely imminent and there is insufficient time to notify the opposing party or counsel. KELLY's Petition for Writ of Habeas is properly verified as required by the Order.

B. MICHAEL's counsel had more than 6 hours' notice

Second, even under Local Rule 2.4(a), MICHAEL's counsel had sufficient notice. MICHAEL's counsel misstates the facts by claiming that she only was served with the Petition at approximately 11 am on September 8, 2020. However, the Petition was actually e-filed at approximately 11:00 pm on September 7, 2020, MICHAEL's counsel opened the e-envelope about 1:50 am on the morning of September 8, 2020 and KELLY's counsel didn't present the Petition to a Court until approximately 8:30 am on the morning of September 8, 2020, about 6 hours after MICHAEL's counsel had notice.

4. The request for sanctions should be denied

Finally, MICHAEL has requested that KELLY should be sanctioned on the grounds that the Petition for Writ is groundless or brought in bad faith and a vague claim that KELLY's

counsel made some alleged oral ex parte motions.

The Writ is brought in good faith because MICHAEL has wrongly refused to return the children pursuant to a valid court order and has engaged in a pattern of reckless child abuse and endangerment by subjecting the children to constant exploitation on all forms of social media, subjecting the oldest child to a merry go round of doctors, nurses and medical facilities as well as multiple rounds of examination of her "private parts" by multiple strangers to her and engaging in a pattern of brainwashing the children and attempting to alienate them from, and destroy their relationship with, their mother.

KELLY asks that the Court grant the Writ and deny all relief requested in MICHAEL's Motion to Deny.

Respectfully submitted,

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By:/s/ David C. Routzon, Jr.
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Associated Case Party: Kelly Long

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